

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MASANORI HAYASHI,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS INC.,

Defendant.

No. C 06-06217 CRB


**ORDER OF REMAND AND TO PAY  
COSTS**

Plaintiff's motion to remand is GRANTED. Exclusive jurisdiction of the Telephone Consumer Protection Act, 47 U.S.C. section 227, lies in the state court where plaintiff originally filed this action. Murphey v. Lanier, 204 F.3d 911, 915 (9th Cir. 2000).

As there was no basis for removal, plaintiff is awarded his costs and expenses in the amount of \$107.73. See 28 U.S.C. § 1447(c). The Court has not included any award for attorney's fees because plaintiff's declaration does not indicate that plaintiff was actually charged for attorney time. Defendant shall pay plaintiff his costs and expenses as ordered within 10 days of the date of this Order.

**IT IS SO ORDERED.**

Dated: Nov. 9, 2006

  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California

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